

SECOND REGULAR SESSION

SENATE BILL NO. 1225

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

5696S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to nullification of federal actions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.045, to read as follows:

1.045. 1. This section is known and may be cited as the "Restoring State Sovereignty Through Nullification Act".

2. As used in this section, the following terms mean:

3. (1) "Federal action", includes federal law; a federal agency rule, policy, or standard; an executive order of the President of the United States; an order or decision of a federal court; and the making or enforcing of a treaty;

4. (2) "Unconstitutional federal action", a federal action enacted, adopted, or implemented without authority specifically delegated to the federal government by the people and the states through the United States Constitution.

5. 3. This section contemplates the review of any federal action to determine whether the action is an unconstitutional federal action. When evaluating a federal action, the general assembly shall consider the plain reading and reasoning of the text of the United States Constitution and the understood definitions at the time of

18 the framing and construction of the Constitution by the
19 framers before making a final declaration of
20 constitutionality, as demonstrated by:

- 21 (1) The ratifying debates in the several states;
- 22 (2) The understanding of the leading participants at
23 the constitutional convention;
- 24 (3) The understanding of the doctrine in question by
25 the constitutions of the several states in existence at the
26 time the United States Constitution was adopted;
- 27 (4) The understanding of the United States
28 Constitution by the first United States Congress;
- 29 (5) The opinions of the first chief justice of the
30 United States Supreme Court;
- 31 (6) The background understanding of the doctrine in
32 question under the English Constitution of the time; and
- 33 (7) The statements of support for natural law and
34 natural rights by the framers and the philosophers admired
35 by the framers.

36 4. It is declared that federal laws, federal executive
37 actions, and federal court opinions shall comply with the
38 jurisdictional limitations of the United States
39 Constitution. It is further declared that any federal
40 action outside the enumerated powers set forth in the United
41 States Constitution are in violation of the peace and safety
42 of the people of this state, and therefore, said acts are
43 declared void and must be resisted.

44 5. The proper manner of resistance is a state action
45 of nullification of the federal action.

46 6. (1) Nullification is the process whereby this
47 state makes an official declaration that:

48 (a) A specific federal action has exceeded the
49 prescribed authority under the United States Constitution;

(b) That said action, as being ultra vires, will not be recognized as valid within the bounds of this state;

(c) That said action, as being ultra vires, is null and void in this state;

(d) That an officeholder, agency, or public employee, whether state or a political subdivision serving under the authority of the Constitution of Missouri shall not assist in any attempted enforcement of said federal action; and

(e) That state or local funds shall not be used to assist in any attempted enforcement of said federal action.

(2) The general assembly has sole authority to prescribe the crimes, penalties, fines, or other consequences of the violation of a bill of nullification by any person found within the boundary of this state. Such consequences must be specified in the bill of nullification before a final vote is taken on its passage.

7. State nullification of federal action may be accomplished in any of the following ways:

(1) Any member of the general assembly may introduce a bill of nullification in the general assembly. Such bill shall be acted upon in the same manner as any other legislative bill;

(2) Any court of competent jurisdiction may render a finding or a holding of nullification in any case of which it otherwise has proper venue and jurisdiction, wherein the parties to said case will, upon final judgment, be bound thereby in the same manner as in other cases.

8. Regarding the same federal action, a bill of nullification shall not be considered by the general assembly more than once each year. If said bill fails, then it may be considered again in any succeeding year, but not more than once per year. If said bill passes, then the

82 provisions of subsection 6 of this section shall become
83 effective with regard to such federal action.

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